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BEFORE THE DIVISION OF OCCUPATIONAL & PROFESSIONAL LICENSING  
OF THE DEPARTMENT OF COMMERCE  
OF THE STATE OF UTAH

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IN THE MATTER OF THE LICENSES OF	:	<b>Non-Disciplinary</b>
<b>TAWNIA CONSTANTINO</b>	:	
TO PRACTICE MEDICINE AND TO	:	<b>STIPULATION AND ORDER</b>
ADMINISTER AND PRESCRIBE	:	
CONTROLLED SUBSTANCES	:	Case No. DOPL 2013- 423
IN THE STATE OF UTAH	:	

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The Division of Occupational and Professional Licensing through Karl G. Perry  
Assistant Attorney General ("Division") and Tawnya Constantino, M.D. ("Respondent")  
stipulate and agree as follows:

1. Respondent admits the jurisdiction of the Division over Respondent and over  
subject matter of this action.

2. Respondent acknowledges that she enters into this Stipulation and Order knowingly and voluntarily.

3. Respondent understands that she has the right to be represented by counsel in this matter, and she has been represented by Daniel T. Ditto in this matter.

4. Respondent acknowledges that this Stipulation and Order, if adopted by the Division, will be classified as a public document. Further, that by signing this Stipulation and Order, Respondent waives the right to participate in a hearing, and to any other rights she may be entitled to with said hearing. The Respondent further understands that by signing this Stipulation and Order she hereby waives all administrative and judicial review as set forth in Utah Code Ann. §§ 63G-4-301 through 63-G-4-405 and Utah Admin. Code R151-46b-12 through R151-46b-15.


5. Respondent acknowledges that on or about May 4, 2012, Respondent's medical assistant signed controlled substance prescriptions. That the medical assistant signed these prescriptions T. Constantino/Eric Andre. That between March 2012 and May 2012 the medical assistant signed several controlled substance prescriptions in this manner. Having medical assistants signing the controlled substance prescriptions constitutes unprofessional conduct as set forth in Utah Code Ann. § 58-67-502(1), but Respondent was not aware that the medical assistant was signing these prescriptions. Further, the Respondent did not have employment authority over the medical assistant assigned to her and she was complying with the policy set forth from her employer.

6. That Respondent's employer has since educated it's medical assistants of the controlled substance law so that medical assistants shall no longer be signing the controlled substance prescriptions.

7. That as part of this Stipulation the Respondent shall pay a settlement fee to the Division in the amount of four thousand dollars (\$4,000.00), which will be paid by her employer. Further, Respondent and Intermountain Medical Center shall provide the Division documentation of the changed medical assistant prescription policy and its implementation. That the signing of this Stipulation and Order by the parties constitutes a final resolution of this matter and the pending Citation 25616/Case # 61760 shall be dismissed.


8. The Respondent has read each and every paragraph contained in this Stipulation and Order and represents that she understands each and every paragraph contained in this Stipulation and Order.

DIVISION OF OCCUPATIONAL &  
PROFESSIONAL LICENSING

BY:   
NOEL TAXIN  
Bureau Manager

DATE: 10/1/13


JOHN E. SWALLOW  
UTAH ATTORNEY GENERAL

BY:   
KARL G. PERRY  
Assistant Attorney General

RESPONDENT

BY:   
TAWNYA CONSTANTINO, M.D.

DATE: Oct 1, 2013

BY:   
DANIEL T. DITTO  
Attorney for Respondent

DATE: 10/1/2013

DATE: 10/1/2013

ORDER

THE ABOVE NON-DISCIPLINARY STIPULATION, in the matter of the license of Tawnya Constantino, M.D. to resolve Citation 25616, Case # 61760, is hereby approved by the Division of Occupational and Professional Licensing, and constitutes my Findings of Fact and Conclusions of Law in this matter. The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 2 day of ~~September~~ <sup>October</sup>, 2013.

DIVISION OF OCCUPATIONAL AND  
PROFESSIONAL LICENSING



*fa* W. Ray Walker, Acting Director  
MARK B. STEINAGEL  
Director



State of Utah  
Department of Commerce  
Division of Occupational and Professional Licensing  
ATTN: Citation Coordinator  
160 East 300 South  
P.O. Box 146741  
Salt Lake City, Utah 84114-6741

Telephone: (801) 530-6628  
Fax: (801) 530-6511  
Website: www.dopl.utah.gov

25616

CITATION

ISSUED TO: <u>TAWNYA CONSTANTINO</u>		CASE # <u>61760</u>	
PROFESSION: <u>PHYSICIAN</u>	LICENSE # <u>312149</u>		
DOB <u>01/03/1968</u>	DL # <u>[REDACTED]</u>	SSN/EIN # <u>[REDACTED]</u>	
BUSINESS ADDRESS <u>5171 S COTTONWOOD ST SUITE 810 SALT LAKE CITY STATE UT ZIP 84107</u>			
BUSINESS PHONE <u>(801) 807-9800</u>		BUSINESS EMAIL <u>TAWNYA.CONSTANTINO@1MAIL.ORG</u>	
HOME ADDRESS <u>[REDACTED]</u>		CITY <u>[REDACTED]</u> STATE <u>[REDACTED]</u> ZIP <u>[REDACTED]</u>	
HOME PHONE <u>[REDACTED]</u>		HOME EMAIL <u>[REDACTED]</u>	
LOCATION OF OFFENSE <u>5171 S COTTONWOOD ST STE 810 SALT LAKE CITY UT 84107</u>			
OFFENSE CODE	DATE OF OFFENSE <u>05/04/2012 - CURRENT</u>	DATE ISSUED <u>11/02/2012</u>	
<u>58-67-502(1)</u>	DESCRIPTION		
	<u>UNPROFESSIONAL CONDUCT INCLUDES... USING OR EMPLOYING THE SERVICES OF ANY INDIVIDUAL TO ASSIST A LICENSEE IN ANY MANNER NOT IN ACCORDANCE WITH... STATE LAW, OR DIVISION RULES;</u>		
REMARKS <u>RESPONDENT HAD MEDICAL ASSISTANT SIGNING CONTROLLED SUBSTANCE PRESCRIPTIONS. MEDICAL ASSISTANT SIGNS SCRIPTS AS "T. CONSTANTINO/ERIC CMA. THE PRACTICE HAS BEEN OCCURRING AT MINIMUM SINCE 3/2012. SINCE MARCH 2012 15 PRESCRIPTIONS HAVE BEEN FOUND SIGNED BY ERIC CMA FOR DR. CONSTANTINO. CFR 211306-05(f) STATES THE PRACTITIONER IS RESPONSIBLE FOR ALL SCRIPTS PREPARED BY M.A. * FINE PURSUANT TO 58-67-503(d)</u>			
PERSON SERVED <u>TAWNYA CONSTANTINO</u>		SERVED BY <u>DL</u>	
<input checked="" type="checkbox"/> FINE \$ <u>3,000</u>		<input checked="" type="checkbox"/> CEASE AND DESIST ORDER	
I ACKNOWLEDGE RECEIPT OF THIS CITATION AND CERTIFY THAT I HAVE READ AND UNDERSTAND THE RIGHTS ADVISEMENT CONTAINED BELOW AND HAVE BEEN PROVIDED A NOTICE OF RESPONSE <u>Tawnya Constantino</u> RECIPIENT'S SIGNATURE		I CERTIFY THAT THE INFORMATION IN THIS CITATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF <u>[Signature]</u> INVESTIGATOR'S SIGNATURE	
DATE <u>11/2/12</u>			

READ CAREFULLY

- 1 If you wish to contest this citation at a hearing, you must notify the Division in writing within 20 calendar days of receipt. The hearing will be conducted according to Title 63 G, Chapter 4.
- 2 If you do not contest the citation within 20 calendar days of receipt, the citation will become a final order of the Division and is not subject to further agency review.
- 3 Failure to comply with a final order of the Division is a Class A misdemeanor. The Division may refuse to issue or renew or may suspend, revoke, or place on probation any license you hold or apply for.

DIVISION